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EXAMINER

KIANERSI. MITRA

ART UNIT	PAPER NUMBER
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2145

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/740,221

Applicant(s)

THOMPSON ET AL.

Examiner

mitra kianersi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☒ Certified copies of the priority documents have been received in Application No. 9930496.6.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### ***Response to Arguments***

Applicant's argument filed on 07/22/2004 has been fully considered, but they are not persuasive.

Applicant on page 9, line 5, argues that their present application specifies that desktop collaboration programs offer enhanced communication between one or more people via their desktop computers. The term "co-location" is used to describe the capability of these applications. Nowhere does the cited art provide for the collaboration feature. Enhanced communication between one or more people has been disclosed in many parts of Elliot's invention. The Elliot's system includes soft switch sites, gateway sites, a data network, a provisioning component a network event component and a network management component. The system of the invention interfaces with customer facilities (e.g., a PBX), carrier facilities (e.g., a PSTN carrier, a LEC (e.g., ILECs and CLECs), an independent telephone company (ITC), an IXC, an intelligent peripheral or an enhanced service provider (ESP)) and legacy signaling networks (e.g., SS7) to handle calls between any combination of on-network and off-network callers. Col 4, lines 49-58). Elliot also on col 55, lines 26-30 discloses that MNEDB 226a and MNEDB 226b can be collocated or can be geographically diverse. Thus master data center 912 can be either in one geographical area or in multiple locations.

Regarding claim 13, applicant on page 9, line 11, argues that nowhere in the cited reference is a "collaborative control means" disclosed. Elliot on col 43, lines 45-55, discloses that a H.323 is an umbrella recommendation from the International Telecommunications Union (ITU) that sets standards for multimedia communications over Local Area Networks (LANs) that do not provide a guaranteed Quality of Service (QoS). These networks dominate today's corporate desktops and include packet-switched TCP/IP and IPX over Ethernet, Fast Ethernet and Token Ring network technologies. Therefore, the H.323 standards are important building blocks for a broad new range of collaborative, LAN-based applications for multimedia communications. Elliot also on col 43, lines 60-63 discloses that H.323 also addresses call control, multimedia management, and bandwidth management as well as interfaces between LANs and other networks. Because the

arguments with respect to the allowableness of independent claims were found unpersuasive, these same arguments are not persuasive with respect to the other dependent claims.

Claims 1-30 have been examined.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Elliott et al. (US Patent No. 6,614,781).

1. As per claim 1, a collaborative computer telephony system, comprising: a communication network; a plurality of integrated computer telephony devices connected to the network and identified by unique IP addresses, (a system and method for communicating voice and data over a packet-switched network that is adapted to coexist and communicate with a legacy PSTN. Abstract) at least two of said integrated computer telephony devices supporting collaboration application programs; (Service Control Points SCPs an SCP is a special application computer, which maintains information in a database required by users of the network, col 2, lines 30-45) an indicator on at least one of said integrated computer telephony devices; (example: answer Indicator; col 112, element 8) a collaborate control program associated with each of said at least two integrated computer telephony devices for detecting commonly supported ones of said

collaboration application programs and in response activating said indicator. (A route response can also include an indication to initiate a call gapping for a congested call. Call gapping refers to a message sent from an SCP to a soft switch to control the number and frequency of requests sent to that SCP. The call gapping response can indicate a length of time for which gapping should be active, as well as a gap interval, at which the soft switch should space requests going to the SCP. Call gapping can be activated on the SCP for each individual service supported on the SCP. For example, if SCP 214 supports 800 and project account code queries, it may gap on 800, but not on project account codes. Alternatively, SCP 214 can gap on project codes but not on 800, or can gap on both or neither. Col 42, lines 38-51)

2. As per claims 2 and 17, further comprising a user input device on said at least one of said integrated computer telephony devices for launching said commonly supported ones of said collaboration application programs in the event said indicator is activated. (Gatekeepers 5808 can also play a role in multipoint connections. To support multipoint conferences, users would employ a Gatekeeper 5808 to receive H.245 Control Channels from two terminals in a point-to-point conference. When the conference switches to multipoint, the gatekeeper can redirect the H.245 Control Channel to a multipoint controller, the MC. Gatekeeper 5808 need not process the H.245 signaling; it only needs to pass it between the terminals 5802, 5804, 5808 or the terminals and the MC. Col 45, lines 39-47)

3. As per claims 3 and 18, wherein said network is a local area networks. (communications over Local Area Networks (LANs), col 43, line 47)

4. As per claims 4 and 19, wherein said network is the Internet. (col 43, line 38)

5. As per claims 5 and 20, wherein said collaboration application programs include video conferencing applications, fax applications, document sharing applications, and

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shared whiteboard applications. (including calls carrying media such as voice, bursty data, fax, audio, video, or any other data formats, col 7, lines 20-25)

6. As per claims 6 and 21, wherein said integrated computer telephony devices each further comprise a telephone and a computer. (user having a telephone that is dedicated to an IP network, col 4, lines 24-28)

7. As per claims 7 and 22, wherein said computer and telephone are each connected directly to the network. (user having a telephone that is dedicated to an IP network. col 4, lines 24-28)

8. As per claims 8 and 23, wherein said computer is connected to said telephone, which in turn is connected directly to the network. (user having a telephone that is dedicated to an IP network. col 4, lines 24-28)

9. As per claims 9 and 24, wherein said telephone is connected to said computer which in turn is connected directly to the network. (user having a telephone that is dedicated to an IP network. col 4, lines 24-28)

10. Claim 16; recite the same limitations as claim 1. Therefore, it is analyzed and rejected by the same rationale.

11. As per claims 10 and 25, wherein said indicator further comprises a light on said telephone and said user input device is a button on said telephone. (it can use a signal to light a lamp on the customer's phone, col 231, lines 16-19) and (Call Hold can enable a user to put any in-progress call on hold by flashing the switch hook and dialing a code. This frees the line to originate another call. Only one call per line can be held at a time. The held call cannot be added to the originated call. This feature is not to be confused

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with the hold button on a telephone set. The party placed on hold will not hear anything (unless customer subscribes to Music-On Hold service, col 230, lines 14-21).

12. As per claims 11 and 26, wherein said indicator and user input device further comprise a graphical user interface on said computer. (Customer-owned computer telephony equipment can provide the display, col 220, lines 49-50)

13. As per claim 12, in a collaborative computer telephony system including a communication network, a plurality of telephones and associated computers connected to the network and identified by respective IP addresses, (a system and method for communicating voice and data over a packet-switched network that is adapted to coexist and communicate with a legacy PSTN. Abstract) at least two of said computers supporting collaboration application programs, (Service Control Points (SCPs) An SCP is a special application computer, which maintains information in a database required by users of the network, col 2, lines 30-45)

and an indicator on at least one of said telephones, a method for controlling said indicator comprising the steps of:

exchanging IP addresses of said at least two computers over said network; (the message exchange as defined in IPDC can be implemented over any IP base protocol. Suggested protocols include, e.g., TCP and UDP, col 142, lines 34-36)

issuing a request from a first one of said computers to a second one of said computers for a list of said collaboration application programs supported by said second one of said computers; (In step 274, originating soft switch 204 issues a call setup command to terminating soft switch 304. This is the command identified by route server, col 53, lines 1-3)

comparing said list with a further list of supported ones of said collaboration application programs within said first computer; and

activating said indicator at said first telephone in the event of at least one commonly supported ones of said collaboration application in said first and second ones of said computers. (A route response can also include an indication to initiate a call gapping for

a congested call. Call gapping refers to a message sent from an SCP to a soft switch to control the number and frequency of requests sent to that SCP. The call gapping response can indicate a length of time for which gapping should be active, as well as a gap interval, at which the soft switch should space requests going to the SCP. Call gapping can be activated on the SCP for each individual service supported on the SCP. For example, if SCP 214 supports 800 and project account code queries, it may gap on 800, but not on project account codes. Alternatively, SCP 214 can gap on project codes but not on 800, or can gap on both or neither. Col 42, lines 38-51)

14. As per claim 13, Computer telephony apparatus for use in a collaborative in a collaborative computer telephony system comprising a network and a plurality of terminals, said apparatus comprising:

- indicator means for indicating that a collaborative session is set up with another computer telephony apparatus; answer Indicator; col 112, element 8)

- collaborative control means for detecting the presence of collaborative control means in said another computer telephony apparatus and for activating said indicator means in response. (A route response can also include an indication to initiate a call gapping for a congested call. Call gapping refers to a message sent from an SCP to a soft switch to control the number and frequency of requests sent to that SCP. The call gapping response can indicate a length of time for which gapping should be active, as well as a gap interval, at which the soft switch should space requests going to the SCP. Call gapping can be activated on the SCP for each individual service supported on the SCP. For example, if SCP 214 supports 800 and project account code queries, it may gap on 800, but not on project account codes. Alternatively, SCP 214 can gap on project codes but not on 800, or can gap on both or neither. Col 42, lines 38-51)

15. As per claim 14, a computer program for controlling a computer to: receive a request for a collaborative session with at least one second computer, issue a request to said at least one second computer over a network for a list of collaborative programs supported by said at least second computer; compare said list with a list of supported collaboration programs within said computer; (When SCP 214a receives this request,



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SCP 214a can compare the entire PAC, if the PAC type is Verified Forced, against a customer PAC table. SCP 214a can compare only the verified portion of the PAC, if the PAC type is Partially Verified Forced, against the customer PAC table. Col 46, lines 28-33)

issuing an activation signal to activate an indicator in the event that at least one collaborative program is commonly supported by said computer and said at least one second computer. (In step 274, originating soft switch 204 issues a call setup command to terminating soft switch 304. This is the command identified by route server, col 53, lines 1-3)

comparing said list with a further list of supported ones of said collaboration application programs within said first computer; (When SCP 214a receives this request, SCP 214a can compare the entire PAC, if the PAC type is Verified Forced, against a customer PAC table. SCP 214a can compare only the verified portion of the PAC, if the PAC type is Partially Verified Forced, against the customer PAC table. Col 46, lines 28-33) and

activating said indicator at said first telephone in the event of at least one commonly supported ones of said collaboration application in said first and second ones of said computers. (A route response can also include an indication to initiate a call gapping for a congested call. Call gapping refers to a message sent from an SCP to a soft switch to control the number and frequency of requests sent to that SCP. The call gapping response can indicate a length of time for which gapping should be active, as well as a gap interval, at which the soft switch should space requests going to the SCP. Call gapping can be activated on the SCP for each individual service supported on the SCP. For example, if SCP 214 supports 800 and project account code queries, it may gap on 800, but not on project account codes. Alternatively, SCP 214 can gap on project codes but not on 800, or can gap on both or neither. Col 42, lines 38-51)

16. As per claim 15, a carrier medium carrying the computer program of claim 14. (a computer program product comprising a computer readable medium having control logic (computer software) stored, col 59, lines 9-11).

17. As per claim 27, in a collaborative computer telephony system including a communication network, a plurality of telephones and associated computers connected to the network and identified by respective IP addresses, (a system and method for communicating voice and data over a packet-switched network that is adapted to coexist and communicate with a legacy PSTN. Abstract) at least two of said computers supporting collaboration application programs, and a user input device on at least one of said telephones, a method comprising the steps of:

detecting user activation of said user input device; (A route response can also include an indication to initiate a call gapping for a congested call. Call gapping refers to a message sent from an SCP to a soft switch to control the number and frequency of requests sent to that SCP. The call gapping response can indicate a length of time for which gapping should be active, as well as a gap interval, at which the soft switch should space requests going to the SCP. Call gapping can be activated on the SCP for each individual service supported on the SCP. For example, if SCP 214 supports 800 and project account code queries, it may gap on 800, but not on project account codes. Alternatively, SCP 214 can gap on project codes but not on 800, or can gap on both or neither. Col 42, lines 38-51)

exchanging IP addresses of said at least two computers over said network; (The message exchange as defined in IPDC can be implemented over any IP base protocol. Suggested protocols include, e.g., TCP and UDP. Col 142, lines 34-36)

issuing a request from a first one of said computers to a second one of said computers for a list of said collaboration application programs supported by said second one of said computers; (In step 274, originating soft switch 204 issues a call setup command to terminating soft switch 304. This is the command identified by route server 212)

comparing said list with a further list of supported ones of said collaboration application programs within said first computer; (When SCP 214a receives this request, SCP 214a can compare the entire PAC, if the PAC type is Verified Forced, against a customer PAC table. SCP 214a can compare only the verified portion of the PAC, if the

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PAC type is Partially Verified Forced, against the customer PAC table, col 46, lines 28-33)

initiating a communication session between said first and second ones of said computers in the event of at least one commonly supported collaboration application in said first and second ones of said computers. (to initialize connections between network components include the following IP address and port numbers for all servers that soft switch 204 must communicate with, information indicating initial primary/secondary/tertiary configurations for server relationships; col 47, lines 21-26)

18. As per claim 28, computer telephony apparatus for use in a collaborative computer telephony system having a communication network, said apparatus comprising:

A user input for initiating a collaborative session with another computer telephony apparatus; and (to initialize connections between network components include the following IP address and port numbers for all servers that soft switch 204 must communicate with, information indicating initial primary/secondary/tertiary configurations for server relationships; col 47, lines 21-26)

Collaborative control means for detecting the presence of collaborative controlled means in said another computer telephony apparatus in response to user activation of said user input. (A route response can also include an indication to initiate a call gapping for a congested call. Call gapping refers to a message sent from an SCP to a soft switch to control the number and frequency of requests sent to that SCP. The call gapping response can indicate a length of time for which gapping should be active, as well as a gap interval, at which the soft switch should space requests going to the SCP. Call gapping can be activated on the SCP for each individual service supported on the SCP. For example, if SCP 214 supports 800 and project account code queries, it may gap on 800, but not on project account codes. Alternatively, SCP 214 can gap on project codes but not on 800, or can gap on both or neither. Col 42, lines 38-51)

19. As per claim 29, A computer program for controlling a computer to:  
receive a request for a collaborative session with at least one second computer,

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issue a request to said at least one second computer over a network for a list of collaborative programs supported by said at least second computer; (In step 274, originating soft switch 204 issues a call setup command to terminating soft switch 304. This is the command identified by route server, col 53, lines 1-3) comparing said list with a further list of supported ones of said collaboration application programs within said first computer; and activating said indicator at said first telephone in the event of at least one commonly supported ones of said collaboration application in said first and second ones of said computers. (A route response can also include an indication to initiate a call gapping for a congested call. Call gapping refers to a message sent from an SCP to a soft switch to control the number and frequency of requests sent to that SCP. The call gapping response can indicate a length of time for which gapping should be active, as well as a gap interval, at which the soft switch should space requests going to the SCP. Call gapping can be activated on the SCP for each individual service supported on the SCP. For example, if SCP 214 supports 800 and project account code queries, it may gap on 800, but not on project account codes. Alternatively, SCP 214 can gap on project codes but not on 800, or can gap on both or neither. Col 42, lines 38-51) compare said list with a list of supported collaboration programs within said computer; (When SCP 214a receives this request, SCP 214a can compare the entire PAC, if the PAC type is Verified Forced, against a customer PAC table. SCP 214a can compare only the verified portion of the PAC, if the PAC type is Partially Verified Forced, against the customer PAC table. Col 46, lines 28-33) initiate said collaborative session in the event that at least one collaborative program is commonly supported by said computer and said at least one second computer. (to initialize connections between network components include the following IP address and port numbers for all servers that soft switch 204 must communicate with, information indicating initial primary/secondary/tertiary configurations for server relationships; col 47, lines 21-26)

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20. As per claim 30, a carrier medium carrying the computer program of claim 29. (a computer program product comprising a computer readable medium having control logic (computer software) stored. col 59, lines 9-11).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mitra Kianersi whose telephone number is (571) 272-3915. The examiner can normally be reached on 7:00AM-4:00PM.

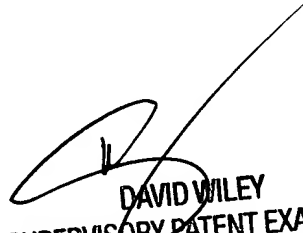
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mitra Kianersi

11/08/04



DAVID WILEY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100